

Chapter 23.12. DEFINITIONS

23.12.010. Definitions

23.12.010. Definitions

“Access or access way” means the place, means, or way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use.

“Aquifer” means a water-bearing rock, rock formation or a group of formations.

“Annexation” means to add or join to, append or attach, especially to a larger, or more significant thing. To incorporate into a county or city. Annexation is the process by which usually contiguous fringe territory is added to an existing municipality.

“Archeology” means the systematic recovery by scientific methods of material evidence from man's life and culture in past ages and the detailed study of this evidence. The study of antiquity, ancient times or early conditions.

“Architectural control” means regulations and procedures requiring structures to be suitable, harmonious and in keeping with the general appearance, historical character or style of their surrounding area.

“Average” means a number that typifies a set of numbers of which it is a function. The arithmetic mean.

“Berm” means a narrow ledge or shelf, as along a slope. Relative to surface mining operations, a berm is a mound of dirt used for screening operations or for storage of material to use during reclamation of the mining site.

“Bonuses” (also known as incentive zoning) means the awarding of bonus credits to a development in the form of allowing more intensive use of the land if such public benefits are greater than the minimum open spaces or agricultural lands are preserved, special provisions for low and moderate income housing are made, or public plazas and courts are provided at ground level.

“Buffer zone” means a strip of land created to separate and protect one type of land use from another; for example, a screen of planting or fencing to insulate the surrounding area from the noise, smoke, or visual aspects of an industrial zone or junkyard. In other instances, a greater width of land to separate and protect farm production from more dense, urban use.

“Capital improvements program” means a timetable of public improvements budgeted to fit the jurisdiction's fiscal capacity some years into the future.

“Cluster development” means it is intended to concentrate on residential improvements and to preserve and protect open land; should be consistent with the public facilities and services policies; should require a minimum of 65 per cent open land and a maximum of 35 per cent for improvement (excluding fencing) of the contiguous land under the same ownership.

“Community facilities” means public or privately owned facilities used by the public, such as streets, schools, libraries, parks and playgrounds; also facilities owned and operated by non-profit private agencies such as churches, settlement houses and neighborhood associations.

“Commuter” means a person who travels regularly from one place to another place and back, as from a suburb to city and back.

“Comprehensive Plan” means a generalized, coordinated land use map and policy statement of the governing body of a state agency, city, county or special district that interrelates all functional and natural systems and activities relating to the use of lands, including but not limited to sewer and water,

transportation, educational and recreational systems and natural resources and air and water quality management programs. "Comprehensive" means all-inclusive, both in terms of the geographic area covered and functional and natural activities and systems occurring in the area covered by the plan. "Generalized" mean a summary of policies and proposals in broad categories and does not necessarily indicate specific locations of any area, activity or use. A plan is "coordinated" when the needs of all levels of governments, semi-public and private agencies and the citizens have been considered and accommodated as much as possible. "Land" includes water, both surface and subsurface, and the air.

"Conditional use" means a use which meets certain conditions and may locate in some zoning districts provided it will not be detrimental to the public health, morals and welfare and will not impair the integrity and character of the zoned district.

"Conservation easement" means a tool for acquiring open space with less than full-fee purchase; the public agency buys only certain specific rights from the owner. These may be positive rights, giving the public rights to hunt, fish, hike or ride over the land, or they may be restricted rights limiting the uses to which the owner may put his land in the future. Scenic easements allow the public agency to use the owner's land for scenic enhancement such as roadside landscaping and vista point preservation.

"Dedication" means a turning over of private land for a public use by an owner or developer and its acceptance for such use by the governmental agency in charge of the public function for which it will be used. Dedications for roads, parks, school sites or other public uses are often made conditions for the approval of a development.

"Dedication, payment in lieu of" means cash payments as substitute for a dedication of land by an owner or developer usually at so many dollars per lot. This overcomes the two principal problems of land-dedication requirements by applying the exactions on development more equitably and by allowing purchase of sites at the best locations rather than merely in places which the development is large enough to be required to dedicate a school or park.

"Density" means the number of residential dwelling units per acre of land and/or the amount of land area expressed in square feet assignable to each dwelling unit in a residential development, including but not limited to one house on one lot. It is computed as follows: the gross area of land within the development, less the total aggregate area dedicated for streets, schools or other public facilities, but not including public or private parks and recreation facilities dedicated or created as an integral part of the development, divided by the total number of dwelling units in the proposed development, equals the density.

"Density transfer" means a technique of retaining open space by concentrating residential densities, usually in compact areas adjacent to existing urbanization and utilities, where outlying areas are being left open, so that the residential density of the entire community will average out at the same number of dwelling units as if the community were developed from end to end with large lots. A variation of this involves allowing density transfers by private developers who buy the development rights of outlying properties that are publicly desirable for open space and adding the additional density to the base number of units permitted in the zone in which they propose to develop.

"Destination resort" means a self-contained development providing visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. To qualify as a "major destination resort" under Goal 8, a proposed development must meet the following standards:

- A. The resort is located on a site of 160 or more acres.
- B. At least 50 percent of the site is dedicated to permanent open space, excluding yards, streets and parking areas.
- C. At least \$2,000,000 (in 1984 dollars) is spent in the first phase of improvements for on-site developed recreational facilities and visitor-oriented accommodations, exclusive of costs for land, sewer and water facilities, and roads. Not less than one-third of this amount shall be spent on developed recreational facilities. Developed recreational facilities and key facilities intended to

serve the entire development and visitor-oriented accommodations must be physically provided or be guaranteed through surety bonding or substantially equivalent financial assurances prior to closure of sale of individual lots or units. In phased developments, developed recreational facilities and other key facilities intended to serve a particular phase shall be constructed prior to sales in that phase or guaranteed through surety bonding.

- D. Visitor-oriented accommodations are provided, including meeting rooms, restaurants with seating for 100 persons, and 150 separate rentable units for overnight lodgings. Accommodations available for residential use will not exceed two such units for each unit of overnight lodging.
- E. Commercial uses limited to those types and levels necessary to meet the needs of visitors to the development. Industrial uses are not permitted.

“Developed recreation facilities” means with respect to destination resorts, improvements constructed for the purpose of recreation. These include, but are not limited to, golf courses, tennis courts, swimming pools, marinas, equestrian trails and facilities and bicycle paths.

“Dude ranch” means a ranch operated primarily or in part as a resort which offers horse-related activities as its primary outdoor recreation opportunity and provides only temporary rental accommodations, serves custom prepared food and which is intended and suitable only for vacation use by non-residents.

“Easement” means a right afforded a person to make limited use of another's real property, as a right-of-way.

“Eminent domain” means the right of a government to appropriate private property for public use or benefit upon payment of just compensation to the owner. The terms "eminent domain" and "condemnation" are often used interchangeably, although condemnation may also mean the demolition by public authority of an unsafe structure where no compensation is paid to the owner and the condemned property does not become public land. "Inverse condemnation" is a condition in which the use of political power to regulate the use of land is so severe that it represents a de facto taking of private property for public benefit or use without just compensation.

“Erosion” means to erode is to wear away by or as if by abrasion, dissolution, transportation, weathering or corrosion. The removal, loosening or dissolution of earth or rock material from any part of the earth's surface.

“Exception” (also called variance) means the official provision of an exemption from compliance with the terms of conditions or a building or zoning regulation by a local board or administrator vested with the power to authorize it. It is usually granted if there are practical difficulties in meeting the existing requirements literally, or if the deviation or exception would not have a detrimental impact on adjacent properties or affect substantial compliance with the regulations. While an exception (or variance or special use) is a departure from the standard application of the zoning ordinance, it is provided for within the ordinance.

“Goals” means in terms of land use planning, the mandatory statewide planning standards adopted by the Land Conservation and Development Commission pursuant to ORS 197.005 to 197.430 and the goals adopted in this plan.

“Groundwater” means water beneath the earth's surface between saturated soil and rock that supplies wells and springs.

“Improved land” means raw land that has been improved with basic facilities such as roads, sewers, water lines and other public infrastructure facilities in preparation for meeting development standards. It sometimes refers to land with buildings as well, but usually land with buildings and utilities would be called a developed area, while the term "improved land" more often describes vacant land with utilities only.

“In-filling” means the use of undeveloped lands in areas of existing housing and high densities.

“Interim or study zone” means a zoning technique used to temporarily freeze development in an area until a permanent classification for it can be decided upon. It is generally used to preserve the status quo while an area or community- wide comprehensive plan is prepared to serve as a basis for permanent zoning.

“Land Use Plan” means a basic element of a comprehensive plan, it designates the future use or reuse of the land within a given jurisdiction's planning area and the policies and reasoning used in arriving at the decisions in the plan. The land use plan serves as a guide to official decisions in regard to the distribution and intensity of private development, as well as public decisions on the location of future public facilities and open spaces. It is also a basic guide to the structuring of zoning and subdivision controls, urban renewal and capital improvement programs.

“LCDC” means the Land Conservation and Development Commission of the State of Oregon.

“Leapfrog development” means land development that occurs well beyond the existing limits of urban development and thus leaves intervening vacant land behind. This bypassing of the next-in-line lands at the urban fringe results in the haphazard shotgun pattern of urbanization known as "sprawl".

“Median” means the middle value in a distribution, above or below which lies an equal number of values.

“Mobile home” means a factory-built home, equipped with all of the basic amenities of a conventional home (both, kitchen, electricity), which can be moved to its site by attaching it whole or in sections to an automobile or truck. (A trailer is a much smaller mobile shelter, usually used for camping and outings rather than as a permanent dwelling.) Prefabricated modular units currently come complete with built-in furnishings, appliances, porches and other areas. "Double-wides" and "triple-wides" are units connected together to form a single structure of size and roof design similar to that of a conventional home built on a foundation on site. Mobile home parks rent spaces with utility hookups to mobile home owners; sometimes they also rent the mobile homes. The parks range in size from a few parking spaces equipped with plumbing and electrical connections to elaborate mobile home communities with swimming pools and community centers. About a quarter of the single-family home sales since 1968 have been captured by mobile homes.

“Moratorium” means in planning, a freeze on the approval of all new development pending the completion and adoption of a comprehensive plan. In recent years, building moratoriums have also been instituted by water and sewer agencies when sewage treatment facilities are inadequate or when water shortages are threatened. They have also been voted into being by residents of communities whose schools and other public facilities have been overwhelmed by rapid growth.

“Multiplier effect” means an economic base multiplier is a mathematical device used to estimate the number of jobs that will be created in service or non-basic industries which will provide needed goods and services to the new community residents (such as retail stores, professional services, entertainment facilities, etc.), because of new employment in basic industries, such as manufacturing. An example might be as follows:

300 total new jobs	=	100 new jobs in steel plant	+	150 new jobs in private services (groceries, etc.)	+	50 new jobs in public – police, fire, etc.
--------------------	---	-----------------------------	---	--	---	--

The Base Multiplier here is 3.0. The Base Ratio is 1:2. So, for every new basic job there is created two non-basic jobs, or three new jobs totally.

“Non-Goal 5 aggregate resources” means those mineral and aggregate resources that are not significant aggregate resources as determined under OAR 660-023-0030(4) and are not included on the County’s inventory list of significant Goal 5 mineral and aggregate resource sites.

“Open land” means is land without tree cover, land which is exposed, land without cover except grass, brush and sparse or immature trees; lands or topography which do not reasonably conceal structures, improvements and personal property.

“Open space” means the part of the countryside which has not been developed and which is desirable for preservation in its natural state for ecological or recreational purposes, or in its cultivated state to preserve agricultural, forest or urban greenbelt areas. More specifically, open space consists of any land area that would, if preserved and continued in its present use:

- A. Conserve and enhance natural or scenic resources;
- B. Protect air or streams of water supply;
- C. Promote conservation of soils, wetlands or beaches;
- D. Conserve landscaped areas, such as public or private golf courses, that reduce air pollution and enhance the value of abutting or neighboring property;
- E. Enhance the value to the public of abutting or neighboring parks, forest, wildlife preserves, natural reservations or sanctuaries or other open space;
- F. Enhance recreation opportunities;
- G. Preserve historic sites;
- H. Promote orderly urban development.

Open space in destination resorts may include some alteration of the natural or existing landscape to allow siting of golf course greens and fairways, lakes and ponds, bike paths and jogging trails and primitive picnic areas (including picnic tables and park benches).

“Overnight lodgings” with respect to destination resorts, means permanent, separately rentable accommodations that are not available for residential use. Overnight lodgings include hotel or motel rooms, cabins and timeshare units. Individually owned units may be considered overnight lodgings if they are available for overnight rental use by the general public for at least 45 weeks per calendar year through a central reservation and check-in service. Tent sites, recreational vehicle parks, mobile homes, dormitory rooms and similar accommodations do not qualify as overnight lodgings for the purpose of this definition.

“Parcel” means a unit of land that is created by a partitioning of land.

“Partition” means either an act of partitioning land or an area or tract of land partitioned as defined below:

"Partitioned land" means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year (ORS 92.010).

“Performance standards” means zoning regulations providing specific criteria limiting the operations of certain industries, land uses, and buildings to acceptable levels of noise, air pollution emissions, odors, vibration, dust, dirt, glare, heat, fire hazards wastes, traffic generation and visual impact. This type of zoning may not bar an industry or use by specific type, but rather admits any use that can meet the particular standards of operation set for admission. Instead of classifying industries in districts under the headings "light", "heavy" or "unrestricted", it establishes measurable technical standards and classifies the industries in terms of their probable environmental impact. Terms such as "limited", "substantial" and "objectionable" determine the overall acceptability rating of a particular use.

“Planned community” means a fully self-contained complex of residential, commercial and industrial areas, transportation facilities, utilities, public facilities and recreational areas.

“Planned Development (PD)” means a self-contained development, often with a mixture of housing types and densities, in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots as in most subdivisions. Therefore, densities are calculated for the entire development, usually permitting a trade-off between clustering of houses and provision of common open space.

“Plat” means a map, diagram, drawing or replat or other material containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

“Police power” means the inherent right of a government to restrict an individual's conduct or his use of his property in order to protect the health, safety, welfare and morals of the community. In the United States,

this power must relate reasonably to these ends and must follow due processes of the law; but unlike the exercise of the State's power of eminent domain, no compensation need be paid for losses incurred as a result of police power regulation.

“Predominant lot size” means the most frequently occurring lot size in a given area. The arithmetic mode of lot sizes.

“Resort community” means an unincorporated community that was established primarily for and continues to be used primarily for recreation and resort purposes. It includes residential and commercial uses and provides for both temporary and permanent residential occupancy, including overnight lodging and accommodations.

“Right-of-way” (ROW) means the right of passage over the property of another. The public may acquire it through implied dedication-accepted access over a period of time to a beach or lake shoreline, for example. More commonly, it refers to the land on which a road or railroad is located. The pathways over which utilities and drainage ways run are usually referred to as easements.

“Riparian:(zone, habitat, or vegetation)” means of or pertaining to the bank of a river, or of a pond or small lake. Riparian habitat is riverbank vegetative cover and food for many wildlife species.

“Road types” means:

- A. Arterial. Roads designed for through access between major traffic generators. Arterials provide primarily for the traffic mobility needs.
- B. Collector. Roads which gather the traffic from local roads between arterials. These roads provide a balance between the needs of land access and traffic mobility.
- C. Local. Roads designed for land access, serving local traffic only.

“Rural lands” means those lands outside recognized urban growth boundaries which are necessary and suitable for such uses as:

- A. Exclusive farm use;
- B. General agriculture;
- C. Forest;
- D. Rural residential;
- E. Rural service center;
- F. Destination resort, dude ranch, planned community;
- G. Landscape management;
- H. Special interest;
- I. Open space;
- J. Fish and wildlife protective area;
- K. Recreation;
- L. Surface mining.

Industrial, commercial and urban and suburban residential uses are not generally appropriate on rural lands.

“Rural service center” means an unincorporated convenience-commercial and residential center of a nature and size only as required to serve the convenience-commercial needs of the surrounding rural lands. Planning area boundaries are not the boundaries for rural service centers.

“Scabland” means level and undulating upland plains where blister-like outcrops of basalt occur. Scabland consists of areas in which the bedrock, stony shallow soil and soil-forming material predominate. The natural vegetation consists mainly of big sagebrush, open stands of juniper, rabbit brush, bunchgrass and annual grasses and associated herbs. Level areas can be suitable for irrigate pasture.

“Self-contained development” means with respect to destination resorts, means community sewer, water and recreational facilities provided on site and limited to meet the needs of the resort or provided by existing public sewer or water service as long as all costs related to service extensions and any capacity increase are

borne by the development. A "self-contained development" shall have developed recreational facilities provided on site.

“Septic tank” means a tank plus a leaching field or trenches in which the sewage is purified by bacterial action. It is distinct from a cesspool, which is merely a perforated buried tank that allows the liquid effluent to seep into the surrounding soils but retains most of the solids and must be periodically pumped out.

“Sewage system” means a facility designed for the collection, removal, treatment and disposal of waterborne sewage generated within a given service area. It usually consists of a collection network of pipelines and a treatment facility to purify and discharge the treated wastes.

“Shall” means a mandatory, non-discretionary policy or regulation.

“Should” means a non-mandatory, discretionary policy or regulation.

“Silica or siliceous” means a white or colorless crystalline compound, SiO₂, occurring abundantly as quartz, sand, flint, agate and many other materials and used to manufacture a wide variety of materials, notably glass and concrete.

“Special District” means any unit of local government, other than a city or county, authorized and regulated by statute, which includes but is not limited to water control, irrigation, port districts, fire, hospital, mass transit and sanitary districts, as well as regional air quality control authorities.

“Spot zoning” means the awarding of a use classification to an isolated parcel of land which is detrimental or incompatible when such an act favors a particular owner. Such zoning has been held to be illegal by the courts on the grounds that it is unreasonable and capricious. A general plan or special circumstances such as historical value, environmental importance, or scenic value may justify special zoning for a small area.

“Strip zone” means a mélange of development, usually commercial, extending along both sides of a major street leading out of the center of a city. Usually a strip zone is a mixture of auto-oriented enterprises (e.g., gas stations, motels and food stands), truck-dependent wholesaling and light industrial enterprises, along with the once rural homes and farms overtaken by the haphazard leap-frogging of unplanned sprawl. Strip development, with its incessant turning movements in and out of each enterprise's driveway, has so reduced the traffic-carrying capacity of major highways leading out of urban centers, that the post-war limited-access freeway networks have become a necessity. In zoning terms, a strip zone may refer to a district consisting of a ribbon of highway commercial uses fronting both sides of a major arterial road.

“Subdivide” means to divide a part or parts of land parcels into at least four smaller parts or lots. A subdivision is the result of laying out a parcel of raw land into lots, blocks, streets, and public areas. Its purpose is the transformation into building sites.

“Urban fringe” means an area at the edge of an urban area usually made up of mixed agricultural and urban uses. Where leap-frogging or sprawl is the predominant pattern, this mixture of urban and rural may persist for some time until the process of urbanization is completed.

“Urban Growth Boundary” (UGB) means is an established line identifying an area which contains land lying within and adjacent to an incorporated city and which is determined to be necessary and suitable for future urban uses capable of being served by urban facilities and services.

“Urbanized lands” means those lands within the urban growth boundaries which can be served by urban services and facilities and are necessary and suitable for future expansion of an urban area.

“Visitor-oriented accommodations” with respect to destination resorts, means overnight lodging, restaurants and meeting facilities designed to provide for the needs of visitors rather than residents. (Ord. 2001-047 §1, 2001; Ord. 2001-038 §1, 2001; Ord. 2000-017 §1, 2000; Ord. 92-001, 1992; Ord. PL-20, 1979)